

# Exhibit E

**BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

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In re: **MIDLAND CREDIT  
MANAGEMENT TCPA  
LITIGATION**  
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) MDL Docket No.: 2286  
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**NOTICE OF TAG-ALONG ACTION**

Pursuant to Rule 7.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendants Encore Capital Group, Inc., Midland Funding, LLC, and Midland Credit Management, Inc. (collectively, "Midland") hereby give notice to the Clerk of seven "tag-along" actions, as defined in Panel Rule 1.1(h):

1. *Bain v. Midland Credit Management, Inc.*, Case No. 1:14-cv-00724-SCJ-WEJ, pending in the United States District Court for the Northern District of Georgia. A copy of the complaint in the *Bain* action, filed March 12, 2014, is attached as Exhibit A.
2. *Edwards v. Midland Credit Management, Inc.*, Case No. 1:14-cv-00625-ODE-JFK, pending in the United States District Court for the Northern District of Georgia. A copy of the complaint in the *Edwards* action, filed March 3, 2014, is attached as Exhibit B.
3. *Harris v. Midland Credit Management, Inc.*, Case No. 3:14-cv-00023-TCB-RGV, pending in the United States District Court for the Northern District of Georgia. A copy of the complaint in the *Harris* action, filed February 27, 2014, is attached as Exhibit C.
4. *Imhuelsen v. Midland Credit Management, Inc.*, Case No. 1:14-cv-00578-WSD-AJB, pending in the United States District Court for the Northern District of Georgia. A copy of the complaint in the *Imhuelsen* action, filed February 27, 2014, is attached as Exhibit D.

**Exhibit E**

5. *Mack v. Midland Credit Management, Inc.*, Case No. 4:14-cv-00200-RAS-DDB, pending in the United States District Court for the Eastern District of Texas. A copy of the complaint in the *Mack* action, filed March 14, 2014,<sup>1</sup> is attached as Exhibit E.

6. *Peckinpaugh v. Midland Credit Management, Inc.*, Case No. 3:14-cv-00026-CAR, pending in the United States District Court for the Middle District of Georgia. A copy of the complaint in the *Peckinpaugh* action, filed March 6, 2014, is attached as Exhibit F.

7. *Wilson v. Midland Credit Management, Inc.*, Case No. 1:14-cv-00540-CAP-WEJ, pending in the United States District Court for the Northern District of Georgia. A copy of the complaint in the *Wilson* action, filed February 25, 2014, is attached as Exhibit G.

These tag-along actions share common questions of fact with cases already transferred to the Southern District of California pursuant to 28 U.S.C. § 1407 and now part of the Multidistrict Litigation, MDL-2286. Like the already-transferred actions, the plaintiffs in these actions all allege that Midland violated the Telephone Consumer Protection Act by placing calls to their cell phones using an automatic telephone dialing system. Ex. A ¶¶ 12-15, 17-18, 34-40; Ex. B ¶¶ 12-18, 31-39; Ex. C ¶¶ 12-16, 29-42; Ex. D ¶¶ 12-16, 32-46; Ex. E p. 1; Ex. F ¶¶ 16-19, 23-25, 32-34; Ex. G ¶¶ 12-19, 36-47. The plaintiffs' complaints contain virtually identical factual allegations as the already-transferred actions, and — based on the allegations in their complaints — all of them appear to be members of the putative nationwide class pled in the already-transferred actions. No discovery has taken place in any of these cases.

Based on the foregoing, Midland respectfully requests that the Panel transfer these tag-along actions under Section 1407 and consolidate them with the other actions pending in MDL-2286.

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<sup>1</sup> The *Mack* action was originally filed in Texas state court. Midland removed it to the United States District Court for the Eastern District of Texas on April 3, 2014.

Dated: April 7, 2014

Respectfully submitted,

By: /s/ Amy M. Gallegos  
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